

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

**BRIAN GREGORY PULLEN**

Registered Nurse License Applicant

Respondent

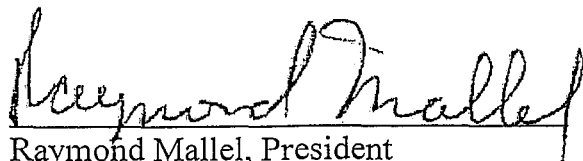
Case No. 2012 – 540

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **January 11, 2013**.

IT IS SO ORDERED **December 12, 2012**.



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
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Deputy Attorney General  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
Against:

12 **BRIAN GREGORY PULLEN**

13 **Registered Nurse License Applicant**

14 Respondent.  
15

Case No. 2012-540

16 **STIPULATED SETTLEMENT AND**  
17 **DISCIPLINARY ORDER**

18 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
19 interest and the responsibility of the Board of Registered Nursing, the parties hereby agree to the  
20 following Stipulated Settlement and Disciplinary Order, which will be submitted to the Board for  
approval and adoption as the final disposition of the Statement of Issues.

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
23 Registered Nursing. She brought this action solely in her official capacity and is represented in  
24 this matter by Kamala D. Harris, Attorney General of the State of California, by Nancy A. Kaiser,  
25 Deputy Attorney General.

26 2. Respondent Brian Gregory Pullen (Respondent) is represented in this proceeding by  
27 attorney Scott J. Harris, Esq., whose address is: SJ Harris Law, 8383 Wilshire Boulevard, Suite  
28 830, Beverly Hills, California 90211.

3. On or about April 29, 2011, Respondent filed an application dated April 26, 2011, with the Board of Registered Nursing to obtain a Registered Nurse License.

## JURISDICTION

4. Statement of Issues No. 2012-540 was filed before the Board of Registered Nursing, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on April 3, 2012.

5. A copy of Statement of Issues No. 2012-540 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Statement of Issues No. 2012-540. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 2012-540.

10. Respondent agrees that his Registered Nurse License application is subject to denial and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

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1       **Severability Clause.** Each condition of probation contained herein is a separate and  
2 distinct condition. If any condition of this Order, or any application thereof, is declared  
3 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
4 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
5 and enforceable to the fullest extent permitted by law.

6           1.       **Obey All Laws.** Respondent shall obey all federal, state and local laws. A  
7 full and detailed account of any and all violations of law shall be reported by Respondent to the  
8 Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
9 compliance with this condition, Respondent shall submit completed fingerprint forms and  
10 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
11 as part of the licensure application process.

12       **Criminal Court Orders:** If Respondent is under criminal court orders, including  
13 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
14 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

15           2.       **Comply with the Board's Probation Program.** Respondent shall fully  
16 comply with the conditions of the Probation Program established by the Board and cooperate with  
17 representatives of the Board in its monitoring and investigation of the Respondent's compliance  
18 with the Board's Probation Program. Respondent shall inform the Board in writing within no  
19 more than 15 days of any address change and shall at all times maintain an active, current license  
20 status with the Board, including during any period of suspension.

21       Upon successful completion of probation, Respondent's license shall be fully restored.

22           3.       **Report in Person.** Respondent, during the period of probation, shall  
23 appear in person at interviews/meetings as directed by the Board or its designated representatives.

24           4.       **Residency, Practice, or Licensure Outside of State.** Periods of residency  
25 or practice as a registered nurse outside of California shall not apply toward a reduction of this  
26 probation time period. Respondent's probation is tolled, if and when he resides outside of  
27 California. Respondent must provide written notice to the Board within 15 days of any change of  
28 residency or practice outside the state, and within 30 days prior to re-establishing residency or

1 returning to practice in this state.

2 Respondent shall provide a list of all states and territories where he has ever been licensed  
3 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
4 information regarding the status of each license and any changes in such license status during the  
5 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing  
6 license during the term of probation.

7 5. **Submit Written Reports.** Respondent, during the period of probation,  
8 shall submit or cause to be submitted such written reports/declarations and verification of actions  
9 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
10 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
11 Program. Respondent shall immediately execute all release of information forms as may be  
12 required by the Board or its representatives.

13 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
14 state and territory in which he has a registered nurse license.

15 6. **Function as a Registered Nurse.** Respondent, during the period of  
16 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
17 hours per week for 6 consecutive months or as determined by the Board.

18 For purposes of compliance with the section, "engage in the practice of registered nursing"  
19 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
20 non-direct patient care position that requires licensure as a registered nurse.

21 The Board may require that advanced practice nurses engage in advanced practice nursing  
22 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

23 If Respondent has not complied with this condition during the probationary term, and  
24 Respondent has presented sufficient documentation of his good faith efforts to comply with this  
25 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
26 extension of Respondent's probation period up to one year without further hearing in order to  
27 comply with this condition. During the one year extension, all original conditions of probation  
28 shall apply.

1                   7.     **Employment Approval and Reporting Requirements.** Respondent shall  
2 obtain prior approval from the Board before commencing or continuing any employment, paid or  
3 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
4 performance evaluations and other employment related reports as a registered nurse upon request  
5 of the Board.

6             Respondent shall provide a copy of this Decision to his employer and immediate  
7 supervisors prior to commencement of any nursing or other health care related employment.

8             In addition to the above, Respondent shall notify the Board in writing within seventy-two  
9 (72) hours after he obtains any nursing or other health care related employment. Respondent  
10 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,  
11 regardless of cause, from any nursing, or other health care related employment with a full  
12 explanation of the circumstances surrounding the termination or separation.

13            8.     **Supervision.** Respondent shall obtain prior approval from the Board  
14 regarding Respondent's level of supervision and/or collaboration before commencing or  
15 continuing any employment as a registered nurse, or education and training that includes patient  
16 care.

17             Respondent shall practice only under the direct supervision of a registered nurse in good  
18 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
19 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
20 approved.

21             Respondent's level of supervision and/or collaboration may include, but is not limited to the  
22 following:

23             (a)    Maximum - The individual providing supervision and/or collaboration is present in  
24 the patient care area or in any other work setting at all times.

25             (b)    Moderate - The individual providing supervision and/or collaboration is in the patient  
26 care unit or in any other work setting at least half the hours Respondent works.

27             (c)    Minimum - The individual providing supervision and/or collaboration has person-to-  
28 person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. **Complete a Nursing Course(s).** Respondent, at his own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of his probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the



1 above required course(s). The Board shall return the original documents to Respondent after  
2 photocopying them for its records.

3           **11. Violation of Probation.** If Respondent violates the conditions of his  
4 probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside  
5 the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

6           If during the period of probation, an accusation or petition to revoke probation has been  
7 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
8 an accusation or petition to revoke probation against Respondent's license, the probationary  
9 period shall automatically be extended and shall not expire until the accusation or petition has  
10 been acted upon by the Board.

11           **12. License Surrender.** During Respondent's term of probation, if he ceases  
12 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
13 probation, Respondent may surrender his license to the Board. The Board reserves the right to  
14 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
15 take any other action deemed appropriate and reasonable under the circumstances, without further  
16 hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no  
17 longer be subject to the conditions of probation.

18           Surrender of Respondent's license shall be considered a disciplinary action and shall  
19 become a part of Respondent's license history with the Board. A registered nurse whose license  
20 has been surrendered may petition the Board for reinstatement no sooner than the following  
21 minimum periods from the effective date of the disciplinary decision:

22           (1) Two years for reinstatement of a license that was surrendered for any reason other  
23 than a mental or physical illness; or

24           (2) One year for a license surrendered for a mental or physical illness.

25           **13. Physical Examination** - Within 45 days of the effective date of this  
26 decision, Respondent, at his expense, shall have a licensed physician, nurse practitioner, or  
27 physician assistant, who is approved by the Board before the assessment is performed, submit an  
28 assessment of the Respondent's physical condition and capability to perform the duties of a

1 registered nurse.

2 Such an assessment shall be submitted in a format acceptable to the Board. If medically  
3 determined, a recommended treatment program will be instituted and followed by the Respondent  
4 with the physician, nurse practitioner, or physician assistant providing written reports to the  
5 Board on forms provided by the Board. If Respondent is determined to be unable to practice  
6 safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant  
7 making this determination shall immediately notify the Board and Respondent by telephone, and  
8 the Board shall request that the Attorney General's office prepare an accusation or petition to  
9 revoke probation. Respondent shall immediately cease practice and shall not resume practice until  
10 notified by the Board. During this period of suspension, Respondent shall not engage in any  
11 practice for which a license issued by the Board is required until the Board has notified  
12 Respondent that a medical determination permits Respondent to resume practice. This period of  
13 suspension will not apply to the reduction of this probationary time period.

14 If the Respondent fails to have the above assessment submitted to the Board within the 45-  
15 day requirement, Respondent shall immediately cease practice and shall not resume practice until  
16 notified by the Board. This period of suspension will not apply to the reduction of this  
17 probationary time period. The Board may waive or postpone this suspension only if significant,  
18 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
19 by the Respondent to obtain the assessment, and a specific date for compliance must be provided.  
20 Only one such waiver or extension may be permitted.

21 **14. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

22 Respondent, at his expense, shall successfully complete during the probationary period or shall  
23 have successfully completed prior to commencement of probation a Board-approved  
24 treatment/rehabilitation program of at least six months duration. As required, reports shall be  
25 submitted by the program on forms provided by the Board. If Respondent has not completed a  
26 Board-approved treatment/rehabilitation program prior to commencement of probation,  
27 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.  
28 If a program is not successfully completed within the first nine months of probation, the Board

1 shall consider Respondent in violation of probation.

2 Based on Board recommendation, each week Respondent shall be required to attend at least  
3 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,  
4 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If  
5 a nurse support group is not available, an additional 12-step meeting or equivalent shall be added.

6 Respondent shall submit dated and signed documentation confirming such attendance to the  
7 Board during the entire period of probation. Respondent shall continue with the recovery plan  
8 recommended by the treatment/rehabilitation program or a licensed mental health examiner  
9 and/or other ongoing recovery groups.

10 15. **Abstain From Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall  
11 completely abstain from the possession, injection or consumption by any route of all psychotropic  
12 (mood altering) drugs, including alcohol, except when the same are ordered by a health care  
13 professional legally authorized to do so as part of documented medical treatment.

14 Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the  
15 prescribing health professional, a report identifying the medication, dosage, the date the  
16 medication was prescribed, the Respondent's prognosis, the date the medication will no longer be  
17 required, and the effect on the recovery plan, if appropriate.

18 Respondent shall identify for the Board a single physician, nurse practitioner or physician  
19 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and  
20 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-  
21 altering drugs.

22 The coordinating physician, nurse practitioner, or physician assistant shall report to the  
23 Board on a quarterly basis Respondent's compliance with this condition. If any substances  
24 considered addictive have been prescribed, the report shall identify a program for the time limited  
25 use of any such substances.

26 The Board may require the single coordinating physician, nurse practitioner, or physician  
27 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive  
28 medicine.

1           16.     **Submit to Tests and Samples.** Respondent, at his expense, shall participate in a  
2 random, biological fluid testing or a drug screening program which the Board approves. The  
3 length of time and frequency will be subject to approval by the Board. The Respondent is  
4 responsible for keeping the Board informed of Respondent's current telephone number at all  
5 times. Respondent shall also ensure that messages may be left at the telephone number when he is  
6 not available and ensure that reports are submitted directly by the testing agency to the Board, as  
7 directed. Any confirmed positive finding shall be reported immediately to the Board by the  
8 program and the Respondent shall be considered in violation of probation.

9           In addition, Respondent, at any time during the period of probation, shall fully cooperate  
10 with the Board or any of its representatives, and shall, when requested, submit to such tests and  
11 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
12 hypnotics, dangerous drugs, or other controlled substances.

13           If Respondent has a positive drug screen for any substance not legally authorized and not  
14 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
15 files a petition to revoke probation or an accusation, the Board may suspend Respondent from  
16 practice pending the final decision on the petition to revoke probation or the accusation. This  
17 period of suspension will not apply to the reduction of this probationary time period.

18           If Respondent fails to participate in a random, biological fluid testing or drug screening  
19 program within the specified time frame, the Respondent shall immediately cease practice and  
20 shall not resume practice until notified by the Board. After taking into account documented  
21 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the  
22 Board may suspend Respondent from practice pending the final decision on the petition to revoke  
23 probation or the accusation. This period of suspension will not apply to the reduction of this  
24 probationary time period.

25           17.     **Mental Health Examination.** The Respondent shall, within 45 days of the  
26 effective date of this decision, have a mental health examination including psychological testing  
27 as appropriate to determine his capability to perform the duties of a registered nurse. The  
28 examination will be performed by a psychiatrist, psychologist or other licensed mental health

1 practitioner approved by the Board. The examining mental health practitioner will submit a  
2 written report of that assessment and recommendations to the Board. All costs are the  
3 responsibility of the Respondent. Recommendations for treatment, therapy or counseling made as  
4 a result of the mental health examination will be instituted and followed by the Respondent.

5 If Respondent is determined to be unable to practice safely as a registered nurse, the  
6 licensed mental health care practitioner making this determination shall immediately notify the  
7 Board and Respondent by telephone, and the Board shall request that the Attorney General's  
8 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
9 practice and may not resume practice until notified by the Board. During this period of  
10 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
11 is required, until the Board has notified Respondent that a mental health determination permits  
12 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
13 probationary time period.

14 If the Respondent fails to have the above assessment submitted to the Board within the 45-  
15 day requirement, Respondent shall immediately cease practice and shall not resume practice until  
16 notified by the Board. This period of suspension will not apply to the reduction of this  
17 probationary time period. The Board may waive or postpone this suspension only if significant,  
18 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
19 by the Respondent to obtain the assessment, and a specific date for compliance must be provided.  
20 Only one such waiver or extension may be permitted.

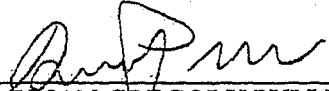
21 18. **Therapy or Counseling Program.** Respondent, at his expense, shall participate  
22 in an on-going counseling program until such time as the Board releases him/her from this  
23 requirement and only upon the recommendation of the counselor. Written progress reports from  
24 the counselor will be required at various intervals.

#### 25 ACCEPTANCE

26 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
27 discussed it with my attorney, Scott J. Harris. I understand the stipulation and the effect it will  
28 have on my Registered Nurse License Application. I enter into this Stipulated Settlement and

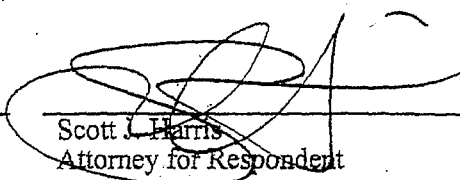
1 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
2 Decision and Order of the Board of Registered Nursing.

3  
4 DATED: 8/13/12

  
BRIAN GREGORY PULLEN  
Respondent

6 I have read and fully discussed with Respondent Brian Gregory Pullen the terms and  
7 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
8 I approve its form and content.

9 DATED: 8.14.2012

  
Scott J. Harris  
Attorney for Respondent


11  
12 ENDORSEMENT

13 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
14 submitted for consideration by the Board of Registered Nursing.

15 Dated: 8/14/12

Respectfully submitted,

17 KAMALA D. HARRIS  
Attorney General of California  
18 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General

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20 NANCY A. KAISER  
21 Deputy Attorney General  
22 Attorneys for Complainant

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**Exhibit A**

**Statement of Issues No. 2012-540**

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 NANCY A. KAISER  
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6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues  
Against:

Case No. *2012-540*

13 **BRIAN GREGORY PULLEN**  
14 P.O. Box 183  
Santa Margarita, CA 93453

**STATEMENT OF ISSUES**

15 **Registered Nurse License Applicant**

16 Respondent.

17  
18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
22 her official capacity as the Interim Executive Officer of the Board of Registered Nursing.

23 2. On or about April 29, 2011, the Board of Registered Nursing (Board) received a  
24 Registered Nurse License Application from Brian Gregory Pullen (Respondent). On or about  
25 April 26, 2011, Brian Gregory Pullen certified under penalty of perjury to the truthfulness of all  
26 statements, answers, and representations in the application. The Board denied the application on  
27 September 13, 2011.

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## JURISDICTION

3. This Statement of Issues is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 480, subdivision (a), states:

"(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

"(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

....

"(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

"(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made."

6. Section 2736 provides that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

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1 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
2 safety, or welfare."

3 **FIRST CAUSE FOR DENIAL OF APPLICATION**

4 **(Convictions of Substantially Related Crimes)**

5 10. Respondent's application is subject to denial under sections 480(a)(1) and (a)(3),  
6 2736, and 2761, subdivision (f), in conjunction with California Code of Regulations, title 16,  
7 section 1444, in that Respondent was convicted of crimes substantially related to the  
8 qualifications, functions or duties of a registered nurse which to a substantial degree evidence his  
9 present or potential unfitness to practice in a manner consistent with the public health, safety, or  
10 welfare, as follows:

11 a. On or about April 11, 2008, after pleading nolo contendere, Respondent was  
12 convicted of one misdemeanor count of violating Penal Code section 647(f) [drunk in public] in  
13 the criminal proceeding entitled *The People of the State of California v. Brian Gregory Pullen*  
14 (Super. Ct. San Luis Obispo County, 2008, No. M415757). The Court sentenced Respondent to  
15 four (4) days in jail. The Court also found Respondent in violation of his probation ordered in the  
16 criminal proceeding entitled *The People of the State of California v. Brian Gregory Pullen*  
17 (Super. Ct. San Luis Obispo, 2007, No. M408509). For the probation violation, Respondent was  
18 sentenced to four (4) additional days of jail to be served concurrently with the sentence for case  
19 number M415757. The circumstances underlying the conviction are that on or about March 11,  
20 2008, Respondent, who was intoxicated, was sitting in his parked vehicle after partying at local  
21 bars for his birthday. His car keys were laying on the front driver's seat. He was covered in his  
22 own vomit.

23 b. On or about December 6, 2007, after pleading nolo contendere, Respondent was  
24 convicted of one misdemeanor count of violating Penal Code section 415(2) [disturbing the  
25 peace] in the criminal proceeding entitled *The People of the State of California v. Brian Gregory*  
26 *Pullen* (Super. Ct. San Luis Obispo, 2007, No. M408509). The Court sentenced Respondent to  
27 two (2) days in jail, and placed him on one (1) year probation. The circumstances underlying the  
28 conviction are that on or about August 31, 2007, Respondent damaged the door to his girlfriend's

1 home when he went to her residence to confront her for destroying his computer. Both  
2 Respondent and his girlfriend were arrested for felony vandalism in violation of Penal Code  
3 section 594(b)(1).

4 c. On or about November 29, 2007, pursuant to the Court's instructions, Respondent  
5 forfeited his \$386.00 posted bail for one misdemeanor count of violating Penal Code section  
6 647(f) [drunk in public] in the criminal proceeding entitled *The People of the State of California*  
7 *v. Brian Gregory Pullen* (Super. Ct. San Luis Obispo County, 2007, No. M410765). The  
8 circumstances underlying the conviction are that on or about November 17, 2007, Respondent,  
9 who was intoxicated, was found sleeping on a public sidewalk, covered in his own vomit.

10 d. On or about August 27, 2003, after pleading nolo contendere, Respondent was  
11 convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [driving with a  
12 blood alcohol content (BAC) of 0.08% or greater, to wit, 0.15% BAC] in the criminal proceeding  
13 entitled *The People of the State of California v. Brian Gregory Pullen* (Super. Ct. San Luis  
14 Obispo County, 2003, No. M346372). The Court sentenced Respondent to two (2) days in jail,  
15 placed him on three (3) years of probation, and ordered him to complete a 3-month DWI First  
16 Offender Program. The circumstances underlying the conviction are that on or about August 1,  
17 2003, Respondent drove a vehicle while having a tested 0.15% BAC.

18 **SECOND CAUSE FOR DENIAL OF APPLICATION**

19 **(Unprofessional Conduct – Dangerous Use of Alcohol and / or Alcohol Related Crimes)**

20 11. Respondent's application is subject to denial under sections 2761, subdivision (a), and  
21 2762, subdivisions (b) and (c), on the grounds of unprofessional conduct, in that Respondent was  
22 convicted of crimes involving the self-administration of alcoholic beverages to an extent or in a  
23 manner dangerous or injurious to himself or others. Complainant refers to and by this reference  
24 incorporates the allegations set forth in paragraph 10, subdivisions (a), (c), and (d), above, as  
25 though set forth fully.

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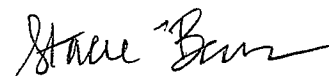
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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying Brian Gregory Pullen's Registered Nurse License Application; and
2. Taking such other and further action as deemed necessary and proper.

DATED: March 09, 2012

  
for LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer,  
Board of Registered Nursing,  
Department of Consumer Affairs,  
State of California  
*Complainant*

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